

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:15-CR-25-H

UNITED STATES OF AMERICA)
)
)
)
v.)
)
)
)
TARLESTER GREEN,)
Defendant.)

ORDER

This matter is before the court for a determination of competency pursuant to 18 U.S.C. § 4241. Defendant, Tarlester Green, was committed to the custody of the Attorney General by order dated July 22, 2015, for evaluation to determine whether he is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

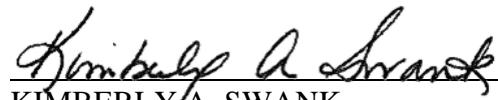
Defendant has been evaluated as directed, and a report has been prepared by Dr. Rebecca Barnette, a forensic psychologist at the Federal Correctional Institution in Butner, North Carolina. Dr. Barnette has opined that Defendant “is *not* suffering from a mental disease or defect which would adversely impact his ability to understand the nature and consequences of the proceedings against him or affect his ability to assist properly in his defense; he is competent to proceed.”

On December 7, 2015, a hearing was held pursuant to 18 U.S.C. §§ 4241 and 4247(d), at which Defendant was present and represented by his attorney, Raymond Tarlton, and Assistant United States Attorney Toby Lathan represented the government. Defendant was afforded the opportunity to testify, to present evidence, to subpoena witnesses on his behalf, and to confront

and examine witnesses at the hearing. Defendant declined to present any evidence and offered no objections to the report submitted by Dr. Barnette.

Based upon the information set forth Dr. Barnette's report, to which no objection was made, the court finds by a preponderance of the evidence that Defendant is presently capable of understanding the nature and consequences of the proceedings against him and is presently able to assist properly with his defense. Accordingly, the court determines that Defendant is competent to proceed in this matter.

This 9th day of December 2015.



KIMBERLY A. SWANK
United States Magistrate Judge